

Right to repair

SUMMARY

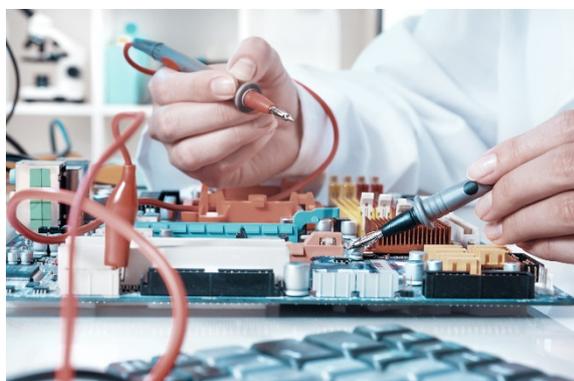
The European Commission has announced the establishment of a 'right to repair', with a view of saving costs for consumers and facilitating the development of a circular economy. The right to repair may refer to different issues and situations: repair during the legal guarantee, the right to repair after the legal guarantee has expired, and the right for consumers to repair products themselves.

Rates of repair depend on the type of a product, with the cost of repair being the most important reason consumers avoid repair. Research shows that consumers favour products that are easily repaired, but their willingness to pay for such products depends on the type of product and the way information on the reparability is presented to them.

Currently, EU contract laws give consumers a right to have faulty products repaired during the legal guarantee, while the new generation of ecodesign rules require the availability of spare parts for a certain time, at least for some products. Repair-related requirements are also present in the rules on the EU Ecolabel. The Commission is now planning a number of initiatives to improve reparability of products, including legislation on the right to repair, on empowering consumers for the green transition, a sustainable products initiative, design requirements for electronics, and measures making the broader economic context more favourable to repair.

The European Parliament has been in favour of improving consumers' right to repair for over a decade, and has in this parliamentary term adopted two resolutions that contain a number of concrete proposals to make repairs systematic, cost-efficient and attractive.

Consumer organisations and associations advocating for easier repair have called for rules to facilitate repair for non-professionals, and to guarantee consumers access to spare parts and repair manuals. Business organisations favour professional repairs, and have warned that any information requirements should not infringe on companies' intellectual property.



IN THIS BRIEFING

- Introduction
- What is the 'right to repair'?
- Consumer behaviour and attitudes to repair
- Product obsolescence
- EU policy
- The von der Leyen Commission's plans
- European Parliament position
- Stakeholder views

Introduction

The introduction of an effective 'right to repair' for consumers has been announced in several of the European Commission's strategic documents: the [European Green Deal](#), the [new circular economy action plan](#) and the [new consumer agenda](#). Consumers have long been [complaining](#) that products not only tend to break down faster than they used to,¹ but that repairing them is often too costly, difficult to arrange for lack of spare parts, and sometimes impossible. From the consumer perspective, repair helps consumers keep products for longer instead of buying new ones, thus keeping costs down. The issue has recently gained prominence also because of the impact of repair on the environment. From an environmental perspective, repair is seen as an important element of a circular economy, as it can slow down the use of resources and the flow of materials; this, in turn, can mean fewer greenhouse gas emissions and less waste. Repair is also essential for the uptake of second-hand and refurbished products. Furthermore, since most repair is done locally, increased repair can potentially generate local jobs in small and medium-sized enterprises.²

What is the 'right to repair'?

The right to repair is a rather vague concept that may mean different things. Most often it refers to the following issues:

- **The right to repair during the guarantee period.** EU consumers have a right to have faulty products repaired free of charge during the legal guarantee period. Under [EU law](#), this is two years from the moment they bought the product. However, a presumption that the product was faulty from the start (in other words, that there is no fault on the part of the consumer) is only valid during the first 12 months. Moreover, while sellers are required to repair, replace or reimburse products that break down due to non-conformity, they are not required to repair defects occurring for other reasons, e.g. if a product was dropped or used improperly.
- **The right to repair after the legal guarantee has expired.** Once the legal guarantee has expired, neither sellers nor manufacturers are required to repair the products. Consumers no longer have a *right* to have their products repaired, even if they want to pay for the repair themselves. They are thus often faced with a situation in which repair would cost too much (compared with buying a new product); spare parts are not available; there are no repair shops left in their vicinity; or products are made in such a way that they cannot be repaired (e.g. because parts are glued together or are inaccessible).
- **The right for consumers to repair products by themselves** (as opposed to being required to use the official repair shops).³ Under EU law, manufacturers are not required to provide technical information (such as manuals and service handbooks) to consumers, nor are they required to provide consumers with spare parts.⁴ Only professional repairers have a guaranteed right to access the technical information and the spare parts, and only for some products.

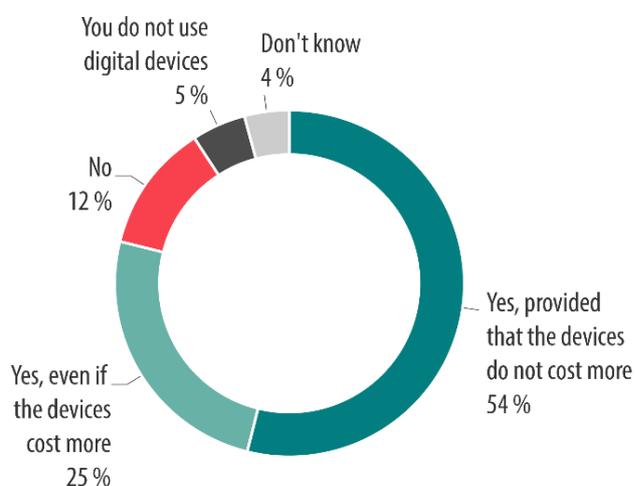
Consumer behaviour and attitudes to repair

According to the 2020 special Eurobarometer survey on the [attitudes of European citizens towards the environment](#), 31 % of EU-27 participants repaired a product rather than replacing it in the six months before the survey.⁵ The European Commission's 2018 [behavioural study on consumers' engagement in the circular economy](#) showed higher rates of repair (but took into account consumers in 12 Member States and asked about repair the last time a product broke down, not just in the past six months, such as above). According to this study, which took into account five types of products, 80 % of respondents repaired a dishwasher the last time it broke down, 59 % repaired a vacuum cleaner; 63 % a TV set and a mobile phone; and 61 % a coat or a jacket.⁶ The study also looked at why consumers chose not to repair a product. The most important reason for avoiding

repair of the four electric and electronic products was the cost of repair. Preferring a new product, or the product being obsolete or out of fashion, was often quoted for all types of products, followed by the repair being impossible. Some consumers said they did not know how or where to repair products, or that it would take too much effort to have them repaired.⁷

Consumers are in favour of making repairs easier. In the 2020 special Eurobarometer on [attitudes towards the impact of digitalisation on daily lives](#), almost 80 % of participants said that manufacturers should be required to make it easy to repair digital devices or replace their individual parts (see Figure 1). However, two-thirds of those said they supported this only if the cost of higher reparability was not passed on to consumers. A study done for the 2017 [fitness check](#) of EU consumer law showed that consumers were indeed ready to pay more for repairable products, but that this depended on how reparability information was presented. Consumers were more likely to

Figure 1 – Should manufacturers be required to make it easier to repair digital devices?



Source: EPRS, based on the [Special Eurobarometer](#), p. 23.

choose products with better reparability when they were provided with information that spare parts would be available for a longer time. However, when the reparability of products was presented by providing information on the average cost of spare parts, the willingness to pay for reparability dropped for products with both high and low spare part costs. Moreover, information on the cost of spare parts seemed to push consumers towards cheaper products, even when they were informed that these products would have a shorter lifespan.

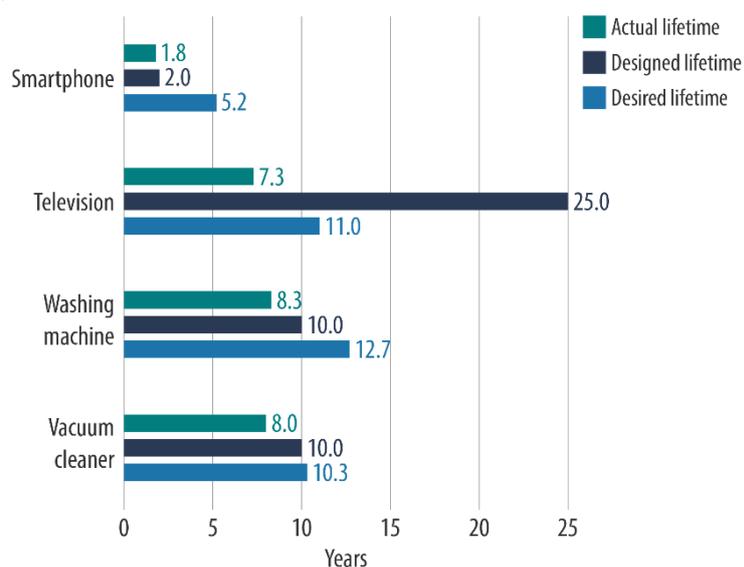
Conversely, the Commission's above-mentioned behavioural study concluded that reparability was relatively less important for purchasing decisions compared with durability. The

study also tried to quantify how much consumers were ready to pay for better reparability, which was presented as an A to G scale on an EU label. When they were shown just a reparability score, consumers were ready to pay more for better reparability, namely an additional €54.24 for a vacuum cleaner, €104.94 for a dishwasher, €170.58 for a TV, €97.70 for a smartphone, and €29.87 for a coat. When they were shown both reparability and durability information, the relative importance of each depended on the product.⁸

Product obsolescence

The issue of repair is closely related to product durability and obsolescence, i.e. the question of how and when products reach the end of their useful lifetime and are replaced with new ones. While there is no definite classification of types of obsolescence, the European Environment Agency (EEA) 2020 [report](#) on electronics and obsolescence in a circular economy provides an overview: **absolute obsolescence** happens when a product no longer functions for objective reasons, because of a mechanical failure (mechanical obsolescence) or incompatibility of software (incompatibility obsolescence). **Relative obsolescence** means that the product is still functional, but is considered obsolete because of a desire for a new item (psychological, style, cosmetic or aesthetic obsolescence); a new product has better quality, functionality or effectiveness (technological obsolescence); or the price of repair or upgrade is too high compared with a new product (economic obsolescence).⁹

Figure 2 – Lifetime of electric and electronic products



Source: EPRS, based on a European Environment Agency [briefing](#).

For some products, e.g. washing machines, the main driver for purchases of new items is absolute obsolescence. For mobile phones or TVs, relative obsolescence is more important.¹⁰

According to the EEA, a product becomes **prematurely obsolescent** when it breaks down early compared with what is possible (designed lifetime) or compared with what is desirable (desired lifetime) (see Figure 2). If premature obsolescence is intentional, this is called **planned or programmed obsolescence**.

EU policy

Consumer legislation

EU consumer policy lays down rules on repair as a remedy for products that are faulty at the moment of delivery. According to the [Sale of Goods Directive](#), the seller is liable to the consumer for any lack of conformity existing at the time of delivery of the goods that becomes apparent during the **legal guarantee**, which under EU law is at least two years. During this time, consumers have a right to have faulty products repaired or replaced, or to be partially or fully reimbursed. In the first instance, consumers can choose between repair and replacement of faulty goods. The seller can refuse the chosen remedy if it is 'impossible or disproportionate', i.e. if it imposes unreasonable costs on the seller compared with a different remedy. Any repair or replacement has to be free of charge, completed within a reasonable time, and without any significant inconvenience to the consumer.

During the first 12 months, there is a **reversed burden of proof**, i.e. a presumption that the product was not in conformity at the moment of delivery, unless this presumption is incompatible with the nature of the goods or the nature of the lack of conformity.¹¹ After the reversed burden of proof expires, the seller can require the consumers to prove that the product was faulty at the time of delivery.¹² Sellers can, however, offer [commercial guarantees](#), which sometimes cover issues other than the legal guarantee and can also last longer. In addition, Member States can introduce more stringent provisions to ensure a higher level of consumer protection.¹³

Ecodesign legislation

Measures facilitating repair can also be found in legislation on EU product requirements. [Type-approval legislation for cars](#) has been requiring car manufacturers to provide independent repairers with unrestricted access to diagnostic equipment, and maintenance and repair information, since 2007. Measures to guarantee the availability of spare parts and repair manuals have recently been introduced under the new generation of implementing acts on ecodesign. The [Ecodesign Directive](#) lays down EU-wide rules for improving the environmental performance of products, but has until 2019 focused on energy efficiency. New implementing acts on [servers and data storage products](#), [washing machines](#), [dishwashers](#), [fridges](#), [electronic displays](#) (televisions and monitors) and [lamps](#) require manufacturers, for instance, to ensure that spare parts are available for a certain number of years after the last item has been placed on the market (e.g. ten years for

washing machines and seven years for fridges); to deliver the ordered parts within 15 days; and to make maintenance information, including manuals, available to professional repairers.¹⁴

EU Ecolabel rules

Repair is also taken into account in rules on the [EU Ecolabel](#), a voluntary labelling scheme of 'environmental excellence' that has been developed for a [limited set of products and services](#). For example, according to the Ecolabel rules on [electronic displays](#), products need to be designed for repair; spare parts must be available for eight years; and manufacturers are required to offer a three-year commercial guarantee at no additional cost. The rules on [furniture](#) provide for products to be designed for disassembly, and envisage making spare parts available to customers for a period of at least five years, while the rules on [footwear](#) require manufacturers to inform consumers that repairing the product, as opposed to discarding it, benefits the environment.

The von der Leyen Commission's plans

The Commission has announced its intention to create a legal landscape to increase the rate of repair in the EU, with its work programmes for [2020](#), [2021](#) and [2022](#) announcing a number of initiatives towards this goal.

Legislation on the right to repair

This initiative, announced for the third quarter of 2022, is expected to involve amendments to the Sale of Goods Directive that would make repair easier for consumers. The Commission's announcement of the [inception impact assessment](#) suggests that the initiative should help reduce unsustainable consumption, encourage producers to design goods that last longer and are easily repairable, and help build a circular economy. According to the new consumer agenda mentioned above, during the revision of the directive, 'various options regarding consumer remedies will be looked at, such as giving preference to repair over replacement, extending the minimum liability period for new or second-hand goods, restarting a new liability period after repair'.

Empowering consumers for the green transition

Originally announced for the second quarter of 2021, this initiative is now expected in March 2022. According to the [inception impact assessment](#), the initiative will seek to provide consumers with reliable and relevant information on product durability and reparability, availability of repair services, spare parts and repair manuals, and software updates and upgrades. This could be done by amendments to the [Unfair Commercial Practices Directive](#) and the [Consumer Rights Directive](#). Alternatively, a new stand-alone consumer protection instrument with minimum or maximum harmonisation could cover these issues. This initiative could also ban 'early obsolescence' and false green claims ('greenwashing') by adding these practices to the blacklist in Annex I of the directive.

Sustainable products initiative

According to the [inception impact assessment](#), the Ecodesign Directive will be revised, with its scope widened beyond energy-related products to include the broadest possible product range. The Commission will seek to prolong the lifetime of products by requiring them to be more durable and repairable. Among other measures, the Commission will consider making producers responsible for prevention of waste, e.g. by providing repair services or ensuring spare parts availability; mandatory sustainability labelling and/or disclosure of information to market actors along value chains in the form of a digital product passport; and setting mandatory minimum sustainability requirements on public procurement of products. This initiative, originally announced for 2021, is now expected in the first quarter of 2022.

New design requirements for electronics

As part of this initiative, the Commission intends to propose implementing measures on ecodesign of mobile phones, tablets, computers and computer servers. According to the Commission's inception impact assessment on [mobile phones and tablets](#), the implementing regulation will aim to address issues such as limited availability of the most commonly damaged spare parts; limited availability of updated versions of the operating system, firmware or software; cost and ease of repair; and reduced battery endurance over time. According to the inception impact assessment on [computers and computer servers](#), the implementing regulation will aim to update energy efficiency requirements for these products, increase reparability of computers, improve lifetime of both computers and batteries, and reduce purchases of unnecessary chargers. Both implementing acts are planned for July 2022, and the Commission is also expected to publish a strategy on sustainable electronics.¹⁵

Batteries Regulation

The proposal for a new [Batteries Regulation](#), put forward by the Commission in December 2020, is also relevant for the durability and reparability of electronic devices such as smartphones and laptops.¹⁶ The Commission proposed several provisions that would apply to batteries used in consumer electronics ('portable batteries'), including a new requirement that batteries incorporated in appliances should be 'readily removable and replaceable by the end-user or by independent operators during the lifetime of the appliance', and minimum electrochemical performance and durability requirements for portable batteries of general use.¹⁷

Measures within the broader economic context

The new circular economy action plan states the intention to make the broader economic context more favourable for repair. Measures could include environmental taxation and allowing Member States to use value-added tax (VAT) rates to promote circular economy activities that target final consumers, in particular repair services.¹⁸ The [EU Taxonomy Regulation](#) also takes into consideration repair when determining whether an economic activity qualifies as environmentally sustainable for investment purposes, with a delegated act laying down precise rules on circular economy aspects expected by the end of 2022.

European Parliament position

The Parliament has been a strong advocate for improving repair options for consumers for over a decade. In a [resolution](#) of 20 April 2004, it called for 'a system of accredited re-use and repair centres', with the primary aim of reducing waste. In its [resolution](#) of 9 July 2015 on resource efficiency, Parliament noted that repair was an important means of achieving a circular economy. It urged the Commission to further develop product standards, which would, inter alia, ensure that products are both durable and easy to upgrade, reuse, refit, repair, recycle and dismantle. It also called for rules on public procurement to favour repaired, reused, remanufactured and refurbished products.

In its [resolution](#) of 4 July 2017 on a longer lifetime for products, Parliament proposed a number of actions to promote product reparability, including: measures to make repair attractive to consumers; requiring products to be designed for easy and less expensive repair; extending the guarantee if repair takes more than a month; discouraging the fixing-in of essential components such as batteries; urging manufacturers to provide maintenance guides at the time of purchase; developing the standardisation of spare parts and tools necessary for repair; encouraging manufacturers to develop battery technology to ensure that the battery's lifespan better matches the expected lifespan of the product or, alternatively, to make battery replacement more accessible at a price that is proportionate to the price of the product.

Parliament raised the level of ambition in the current term by adopting two resolutions that call on the Commission to establish a consumer's right to repair, with a view to making repairs systematic,

cost-efficient and attractive. Its [resolution](#) of 25 November 2020 on a more sustainable single market for business and consumers and its [resolution](#) of 10 February 2021 on the new circular economy action plan both called for the adoption of a set of measures, including: mandatory labelling on the estimated lifetime and reparability of products, such as a repair score and usage meter for certain product categories, and ensuring that consumers are provided with the information on availability of spare parts, repair services and software updates at the time of purchase; giving the repair industry, 'including independent repairers, and consumers' free access to repair and maintenance information; encouraging standardisation of spare parts; setting a mandatory minimum period for the provision of spare parts that reflects the product's estimated lifespan, and reasonable maximum delivery times; and ensuring that the price of spare parts is reasonable, and that independent and authorised repairers, as well as consumers, have access to the necessary spare parts without unfair hindrances.

Parliament also called for the upcoming review of the Sale of Goods Directive to assess whether the duration of the legal guarantee could be brought in line with the estimated lifetime of specific products; encourage repair over replacement by extending guarantees or zeroing guarantee periods for consumers who choose repair; assessing a need to establish a legal guarantee at EU level for the parts replaced by a professional repairer after the legal guarantee has expired; introducing either direct producer liability¹⁹ or joint manufacturer/seller liability²⁰ for non-conformity of products. Moreover, Parliament called on the Member States to launch campaigns to encourage consumers to choose repair and introduce incentives for repair, such as a 'craftsman bonus'.

Stakeholder views

[Right to Repair Europe](#), a coalition of European organisations active around the cause of repair, said that the EU's regulatory focus should be on mandatory ecodesign requirements aimed at extending product lifetimes by making repair easier, starting with information technology devices such as smartphones, computers and printers. The coalition called for easy access to repair information and reasonably priced spare parts for all repair actors, including independent repairers and repair cafés; introducing a mandatory repair score on the existing EU energy label for all relevant energy-using products; and a strategy on advancing reuse, repair and remanufacturing sectors in Europe.

In [joint recommendations](#) for making products on the EU market more sustainable, the European Consumer Organisation (BEUC) and ANEC, which represents consumers in the process of establishing European standards, called for products to be designed for easy dismantling, in order to make them easier to repair, upgrade and recycle. They also called for the Sale of Goods Directive to be amended so as to require repair to be performed within 15 days. BEUC and ANEC suggested that consumers should be given better resources to repair products themselves, by introducing not only a horizontal requirement to make spare parts and repair manuals available to both consumers and independent repairers for a period that reflects a product's expected lifetime, but also an obligation to deliver the spare parts in no more than ten calendar days; and requiring that products be designed in a way that would enable consumers to access at least the spare parts that are easy and safe to replace without a professional repairer.

[Reuse](#), a network representing social enterprises active in re-use, repair and recycling, argued for preferential taxation, such as [zero-rated VAT](#), for repair to encourage consumers to have their products repaired. Reuse also called for supporting social enterprises involved in circular economy activities by expanding the scope of the [Just Transition Fund](#), and developing circular ecodesign requirements for products such as mobile phones and laptops, as well as non-energy related products such as textiles and furniture, in line with a right to repair.

Business organisations were more likely to oppose consumer-led repairs. [Business Europe](#) said that for certain products, the trader must have a say on who can repair the product, to ensure quality and safety, while access to information on reparability should not infringe business secrets. Business Europe favoured deciding on the right to repair on a case-by-case basis, noting that reparability was

not always the best option and that sometimes, for environmental, energy efficiency or cost reasons, repair was 'less optimal' than other forms of consumer redress. Business Europe also called for harmonised criteria for measuring reparability; avoiding 'overdosing' consumers with information on durability and sustainability; and putting incentives in place that would ensure there were enough specialised workers for repair and reconditioning.

[Applia](#), which represents the home appliance industry in Europe, supported making repair first in the hierarchy of consumer remedies. It also supported setting minimum ecodesign requirements, and requirements to provide spare parts and repair information to professional repair operators for a certain period after the legal guarantee has expired. Noting that maintenance tips, troubleshooting information, and sometimes also do-it-yourself kits, are already available to consumers, Applia did not favour granting consumers a blanket right to repair products, given a possible risk of personal injury or compromised safety. Applia also said that any new labelling requirements on durability or reparability should be based on coherent methodology, and called for improved enforcement of existing rules.

[Digital Europe](#), which represents businesses in the digital sector, supported transparency to empower consumers, including by introducing a digital product passport, but called for a balance between transparency and the preservation of business intellectual property. Digital Europe advocated a nuanced approach when determining which information should be made available to which target group, and maintained that information on repair and end-of-life disassembly should be provided to professionals only. Arguing against consumer-led repairs, Digital Europe said that manufacturers' repair facilities and repair networks are not only a source of jobs and high-quality service in a circular economy, but – as they have been optimised for efficiency – also minimise environmental impacts and the use of resources 'beyond what would be possible via consumer-led repair models'.

According to [EuroCommerce](#), which represents EU retailers and wholesalers, the availability of spare parts and repair services should be a priority in order to help the circularity of products, while a wider list of spare parts and repair information should be available only to professional repairers. EuroCommerce warned that separate repair scores or labels could confuse consumers, as they would 'not promote the robustness of a product but its likelihood to be repaired', and recommended that reparability information be integrated in the existing energy label instead. EuroCommerce also favoured addressing the rules on warranty and liability for repaired or remanufactured products.

MAIN REFERENCES

[Europe's consumption in a circular economy: The benefits of longer-lasting electronics](#), European Environment Agency, June 2020.

[Longer lifetime for products: Benefits for consumers and companies](#), Policy Department for Economic and Scientific Policy, European Parliament, 2016.

Šajn N., [Consumers and repair of products](#), EPRS, European Parliament, July 2018.

ENDNOTES

- ¹ For example, a 2016 [study](#) by the German Environment Agency showed that the number of large household appliances replaced within the first five years of their service because of a defect increased from 3.5 % in 2004 to 8.3 % in 2013.
- ² For more on the EU repair landscape, reasons for the decline of repair, and economic and social impacts of increased repair, see an [EPRS briefing](#) on consumers and repair of products.
- ³ While this issue has recently gained traction in the EU, [consumers in the United States](#) have been preoccupied with it for years. This concerns, in particular, situations in which a warranty would become void if consumers attempted to repair a product instead of waiting (sometimes for a long time) for an authorised repairer, or when consumers cause damage that is not covered by warranty, but are required to repair the product in an authorised repair shop (which is often more expensive) or risk losing the guarantee on the product as a whole.

- ⁴ See, for instance, the implementing regulations on ecodesign of [washing machines](#) and [dishwashers](#).
- ⁵ See p. 127 of the report.
- ⁶ See Table 17 on p. 95 of the report. It also shows how many consumers repaired products themselves, and how many had them repaired respectively by friends and relatives, professional repairers, and manufacturers. In addition, the study showed what motivates consumers to repair products themselves (Table 19) and have the products repaired (Table 20).
- ⁷ See Table 18 on p. 86 of the study.
- ⁸ See p. 169 of the study. See also the Joint Research Centre's [technical report](#) on analysis and development of a scoring system for repair and upgrade of products.
- ⁹ For more, see p. 15 of the report.
- ¹⁰ The report includes case studies of smartphones, washing machines, vacuum cleaners and TVs. See also 'Reasons for purchasing a new device' in the special Eurobarometer on attitudes towards the impact of digitalisation on daily lives, pp. 17-22.
- ¹¹ According to the rules that started applying in January 2022, consumers can also demand reimbursement in cases in which the seller attempted repair or replacement, but was not successful, or in which the lack of conformity is so serious as to justify an immediate price reduction or termination of the sales contract; or in which the seller has declared that they will not bring the goods into conformity within a reasonable time or without significant inconvenience for the consumer.
- ¹² Some critics therefore argue that, following the period of the reversed burden of proof, it is difficult for consumers to make use of the legal guarantee. See, for instance, [How an EU lifespan guarantee model could be implemented across the European Union](#), Policy Department for Citizens' Rights and Constitutional Affairs, European Parliament, 2017, p. 23.
- ¹³ Some Member States have [introduced](#) longer legal guarantees and reversed burden of proof periods, as well as [additional national rules](#), such as deadlines for performing repair or replacement (from 8 to 30 days); suspension or restarting of the legal guarantee during repair/replacement; allowing consumers to request repair of the product from producers or others in the supply chain (instead of just sellers).
- ¹⁴ Here, too, some Member States have introduced requirements for producers to ensure the availability of spare parts (see above). In the meantime, in 2021, France has started requiring that a [reparability index](#) be displayed for certain products.
- ¹⁵ When it was first announced in 2020, this initiative was also meant to include new consumer rights connected to electronics, but these have in the meantime been moved to the initiative on the right to repair mentioned above.
- ¹⁶ For instance, according to the EEA [report](#), batteries for smartphones generally last about two years, and are one of the determining factors for the phone's lifetime, with the other issues being related to the operating system (see p. 13).
- ¹⁷ The legislative work on the proposal is ongoing. See an [EPRS briefing](#) on the new EU regulatory framework for batteries.
- ¹⁸ The Commission has not yet provided details on what exactly it intends to do. For more on the topic, see, for instance, L. Milios, '[Towards a Circular Economy Taxation Framework: Expectations and Challenges of Implementation](#)', *Circular Economy and Sustainability*, Volume 1, January 2021, pp. 477–498, and P. Schröder and J. Raes, '[Financing an inclusive circular economy](#)', Chatham House, July 2021.
- ¹⁹ Resolution on the new circular economy action plan.
- ²⁰ Resolution on a more sustainable single market.

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